

EXHIBIT



U.S. Department of Justice

Civil Division, Fraud Section

601 D Street, NW
Washington, D.C. 20004

Telephone: (202) 305-9300
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Via Electronic Transmission
(Enclosures by Over-night Delivery)

August 10, 2007

David Torborg
Jones Day
51 Louisiana Ave., N.W.
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Martin F. Murphy
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Neil Merkl
William A. Escobar
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101 Park Avenue
New York, NY 10178

Eric Gortner
Kirkland & Ellis
200 East Randolph Drive
Chicago, Illinois 60601-6636

Re: Average Wholesale Price Multi-District Litigation
MDL No. 1456/C.A. No. 01-12257-PBS (D. Mass.)

Dear Counsel:

Enclosed herewith, please find compact discs containing further documents responsive to the Requests for Production of Documents served by Abbott and Dey. The source, or category, of documents for the Bates ranges in this production are listed below.

Carrier Production

AWQ019 Documents produced by Medicaid carrier Group Health, Inc.

Production of Third Party Documents

HHD073 Documents obtained from GeriMed, Inc. responsive to Abbott's RFP number 81.

CMS Production

HHD079 Documents from the files of Tom Gustafson

HHD084 Materials from CMS Region VI-Dallas, including:

-2-

Region VI Medicaid Correspondence Files; Memoranda and Correspondence from CMS Central Office; Memoranda and Correspondence from Drug Policy Files.

HHD085 Materials from CMS Central Office and CMS Regions V–Chicago and VIII–Denver, including:

MAC data; Correspondence files; Interim and Final Reports for the following Projects;

“Impact of Payment Reform for Part B Covered Outpatient Drugs and Biologicals” (#500-00-0033/09);

“Evaluation of Competitive Acquisition Program for Part B Drugs” (#500-00-0024/24)

“Issues Related to the Federal Government Drug Payment Policies in the Reformed HealthCare Environment” (#500–92-0020/10)

“Issues Related to the Federal Government Drug Payment Policies in the Reformed HealthCare Environment” (#500-93-0031/02)

“Study of Pharmaceutical Benefit Management” (#500-97-0399)

“Assessment of Medicare Prescription Drugs and Coverage Policy” (#500-00-0024/01)

“Medicaid and Medicare Drug Pricing-Development and Implementation of Strategy to Determine Market Prices” (#500-00-0049/01)

“Economic Impact of Outpatient Prescription Drug Coverage on Total and Specific Health Expenditures and Service Use of Medicare Beneficiaries” (#30-P-91017/5)

“Medicare Drugs and Biologicals Pricing Consistency Project” (#500-96-0026/17)

Thank you for your attention.

Very Truly Yours,

/s/

Justin Draycott
Trial Attorney
Commercial Litigation Branch

-3-

Enclosures
cc: James Breen



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September 14, 2007

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Dear Counsel:

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OIG Production

HHD053 Electronic media pertaining to HHS-OIG report, "Medicare Home Infusion Therapy" (OEI-02-92-00420)

HHD095 Documents from the files of David Tawes

CMS Production

HHD083 Documents from HCFA/CMS relating to the following HHS-OIG reports: A-06-95-00065; A-06-95-00067; A-06-95-00068; A-06-95-00069; A-06-95-00071

HHD092 Documents from the files of Thomas Scully – hard copies of these documents were previously produced to defendants on July 13, 2007

-2-

during Mr. Scully's deposition at the Offices of Jones Day

HHD093 Documents pertaining to HCFA Pub. 45-6 obtained from the National Technical Information Service of the U.S. Department of Commerce

HHD096 Documents concerning HCFA Transmittal 87-33 (disapproval of Louisiana State Plan Amendment) – hard copies of these documents were previously produced to Abbott's counsel on September 5, 2007

Thank you for your attention.

Very Truly Yours,

/s/

Justin Draycott
Trial Attorney
Commercial Litigation Branch

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September 26, 2007

David Torborg
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51 Louisiana Ave., N.W.
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MDL No. 1456/C.A. No. 01-12257-PBS (D. Mass.)

Dear Counsel:

Enclosed please find compact discs containing further documents responsive to the Requests for Production of Documents served by Abbott. The source, or category, of documents for the Bates ranges in this production are listed below.

Carrier Production

AWQ021 CIGNA Government Services

AWQ022 Palmetto GBA

CMS Production

HHD091 Documents pertaining to HHS-OIG report "Review of Pharmacy Acquisition Costs for Drugs Reimbursed Under the Medicaid Prescription Drug Program of the California Department of Health Services" (A-06-95-00062)

HHD097 Documents pertaining to Louisiana State Plan Amendment No. 87-33

-2-

HHD099 Documents from the personal files of Kathleen Buto, former HCFA Associate Administrator for Policy (This material was previously produced at the deposition of Ms. Buto.)

Thank you for your attention.

Very Truly Yours,

/s/

Justin Draycott
Trial Attorney
Commercial Litigation Branch

Enclosures
cc: James Breen



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601 D Street, NW
Washington, D.C. 20004

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Via Electronic Transmission
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November 2, 2007

David Torborg
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MDL No. 1456/C.A. No. 01-12257-PBS (D. Mass.)

Dear Counsel:

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CMS Production

HHD088	State plan amendment background documents and documents pertaining to Medisave RX's consumer-directed cost containment proposal
HHD089	Documents pertaining to the Alabama State Medicaid program
HHD101	Documents obtained from the correspondence system of CMS' Office of Strategic Operations and Regulatory Affairs (OSORA)
HHD110	Additional emails from Thomas Gustafson

-2-

Carrier Production

Disc AWQ026 includes material from Medicare Part B carriers TrailBlazer Health Enterprises, Wheatlands Administrative Services, Palmetto GBA, National Government Services, Noridian Administrative Services, Triple-S, HealthNow NY, Wisconsin Physician Services and CIGNA Government Services previously withheld on privilege grounds. Please note that patient-identifying information has been redacted from these documents; redacted documents have been affixed with a "Patient Identifying Information Redacted" legend.

Thank you for your attention.

Very Truly Yours,

/s/

Justin Draycott
Trial Attorney
Commercial Litigation Branch

Enclosures

cc: James Breen



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Via Electronic Transmission
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January 25, 2008

David Torborg
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CMS Production

HHD058 Material from the Office of Legislation, CMS
HHD129-130
HHD132-134

HHD138 Material pertaining to the President's budgets, 1990 through 2001

Thank you for your attention.

-2-

Very Truly Yours,

/s/

Justin Draycott
Trial Attorney
Commercial Litigation Branch

Enclosures

cc: James Breen

Richard Goldstein



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Via Electronic Transmission
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February 22, 2008

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Dear Counsel:

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OIG Production

HHD156	Work papers pertaining to HHS-OIG report entitled "Are Medicare Allowances for Albuterol Sulfate Reasonable?" (OEI-03-97-00292)
HHD158	Material from the files of Robert Vito

CMS Production

HHD119	Material from the files of Deirdre Duzor
HHD128/136	Material from the Office of Legislation, CMS

-2-

HHD166 Electronic media from the files of Dennis Smith

HHD170 Material pertaining to FUL calculations, including general FUL program documents

HHD173/174 Documents referenced in Mr. Torborg's correspondence of September 18, 2007 and January 23, 2008 (including documents bearing a "redacted" legend and imaged pages that were missing from, or inaccessible in, prior productions).

Carrier Production

AWQ044 Material from Medicare Part B carrier Highmark.

Very Truly Yours,

/s/

Justin Draycott
Trial Attorney
Commercial Litigation Branch

Enclosures

cc: James Breen

Richard Goldstein

George B. Henderson